

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**HAROLD B. WILSON, and
GRACY SEDLAK,**

Plaintiffs,

v.

**JOSEPH FLETCHER, and
ORA THOMAS FLETCHER,**

Defendants.

CASE NO. 4:12CV3061

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiffs' Response (Filing No. [18](#)) to the court's June 14, 2012, Memorandum and Order. On June 14, 2012, this court ordered Plaintiffs to show by a preponderance of the evidence that the amount in controversy claimed was legitimate. (Filing No. [12](#).) Plaintiffs have complied with the court's order and service on Defendants is now warranted.

IT IS THEREFORE ORDERED that:

1. To obtain service of process on Defendants, Plaintiffs must complete and return the summons forms that the Clerk of the court will provide. The Clerk of the court shall send TWO summons forms and TWO USM-285 forms to Plaintiff Harold B. Wilson together with a copy of this Memorandum and Order. Plaintiff shall, as soon as possible, complete the forms and send the completed forms back to the Clerk of the court. In the absence of the forms, service of process cannot occur;
2. Upon receipt of the completed forms, the Clerk of the court will sign the summons forms, to be forwarded with a copy of the Complaint to the U.S. Marshal for service of process. The Marshal shall serve the summons and Complaint without payment of costs or fees. Service may be by certified mail pursuant to [Fed. R. Civ. P. 4](#) and Nebraska law in the discretion of the Marshal. The Clerk of the court will copy the Complaint, and Plaintiff does not need to do so;
3. [Fed. R. Civ. Pro. 4](#) requires service of a complaint on a defendant within 120 days of filing the complaint. However, because in this order Plaintiffs are informed for the first time of these requirements, Plaintiffs are granted, on the

court's own motion, an extension of time until 120 days from the date of this order to complete service of process;

4. Plaintiffs are hereby notified that failure to obtain service of process on a defendant within 120 days of the date of this order may result in dismissal of this matter without further notice as to such defendant. A defendant has twenty-one (21) days after receipt of the summons to answer or otherwise respond to a complaint;
5. The Clerk of the Court is directed to set a pro se case management deadline in this case with the following text: "**December 25, 2012**: Check for completion of service of summons;"
6. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court. Plaintiffs shall keep the court informed of their current addresses at all times while this case is pending. Failure to do so may result in dismissal; and
7. Plaintiffs' Motion to Compel Discovery (Filing No. [19](#)) is denied without prejudice to reassertion after the court has entered a progression order in this matter.

DATED this 28th day of August, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

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